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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,357	12/01/2003	Michael Dahlin	1039-0090	1324

34456 7590 02/26/2008
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EXAMINER

ALTSCHUL, AMBER L

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,357

Applicant(s)

DAHLIN ET AL.

Examiner

AMBER L. ALTSCHUL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the amendment filed on December 5, 2007. Claims 27-32 are new. Claims 1-32 remain pending. Claims 3, 9, 12, and 20 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number US 5,845,255, Mayaud, et al., hereinafter Mayaud.
4. (Original) As per claim 1, Mayaud teaches an electronic device, (column 7, lines 13-20), comprising:
- a touch responsive display, (column 7, lines 57-67); and
- a graphical user interface (GUI) engine operable to initiate presentation of a GUI on the display, the GUI comprising a first portion presenting a menu-based interface and a second portion having an area for receiving a prescription input comprising a handwritten character, (column 7, lines 46-56)
5. (Original) As per claim 2, Mayaud teaches the method of claim 1 as described above. Mayaud further teaches wherein the GUI further comprises a virtual keyboard interface, (column 7, lines 57-67).
6. (Currently Amended) As per claim 3, Mayaud teaches the method of claim 1 as described above. Mayaud further teaches wherein the GUI further comprises a "~~hot~~-list" hot list of medications, (column 4, lines 56-65).

7. (Original) As per claim 4, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches wherein the GUI further comprises an alphabetical listing of medications, (column 38, lines 27-45) .

8. (Original) As per claim 5, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches wherein the GUI further comprises a listing based on a patient condition, (column 4, lines 36-43).

9. (Original) As per claim 6, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches wherein the GUI further comprises a sublisting based on drug category, (column 37, lines 48-59).

10. (Original) As per claim 7, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches further comprising a writing implement, (column 9, lines 28-35).

11. (Original) As per claim 8, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches further comprising a control element configured to implement a tapered prescription, (column 24, lines 41-60)

12. (Currently Amended) As per claim 9, Mayaud teaches the method of claim 1 as described

above. Mayaud further teaches wherein the GUI is configured to provide a list of [[the]] at least two medications associated with a given prescription, (column 12, lines 35-56)

13. (Original) As per claim 10, Mayaud teaches a prescription system, (column 7, lines 57-67), comprising:

a processor, (column 7, lines 13-20);

a database accessible by the processor, (column 5, lines 44-67 and column 6, lines 1-2);

and

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a storage medium, (column 7, lines 30-45), comprising:

instructions operable to direct the processor to access the database and to acquire a list of medications, (column 38, lines 27-45);

instructions operable to direct the processor to generate a menu based interface based on the list of medications for preparing a prescription, (column 7, lines 46-56); and

instructions operable to direct the processor to generate a handwriting recognition interface for preparing the prescription, (column 9, lines 28-35).

14. (Original) As per claim 11, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches further comprising instructions to provide a virtual keyboard interface, (column 7, lines 57-67).

15. (Currently Amended) As per claim 12, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein the menu based interface includes a ~~"hot list"~~ hot list of medications, (column 4, lines 56-65).

16. (Original) As per claim 13, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein the menu based interface includes an alphabetical listing of medications, (column 38, lines 27-45).

17. (Original) As per claim 14, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein the menu based interface includes a listing based on a patient condition, (column 4, lines 36-43).

18. (Original) As per claim 15, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein the menu based interface includes a sublisting based on drug category, (column 37, lines 48-59).

19. (Original) As per claim 16, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein at least one of the menu based interface and the handwriting recognition interface further comprises a control element configured to implement a tapered prescription, (column 24, lines 41-60).

20. (Original) As per claim 17, Mayaud teaches the method of claim 10 as described above. Mayaud further teaches wherein the prescription includes at least two medications and wherein at least one of the menu based interface and the handwriting recognition interface is configured to provide a list of the at least two medications, (column 12, lines 35-56).

21. (Original) As per claim 18, Mayaud teaches a method of preparing a prescription, (column 7, lines 57-67), the method comprising:

accessing a database to acquire a list of medications, (column 38, lines 27-45);
generating a menu based interface based on the list of medications for preparing a prescription, (column 7, lines 46-56); and
generating a handwriting recognition interface for preparing the prescription, (column 9, lines 28-35).

22. (Original) As per claim 19, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches further comprising providing a virtual keyboard interface, (column 7, lines 57-67).

23. (Currently Amended) As per claim 20, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches wherein the menu based interface includes a "~~hot~~ list" hot list of medications, (column 4, lines 56-65).

24. (Original) As per claim 21, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches wherein the menu based interface includes an alphabetical listing of medications, (column 38, lines 27-45).
25. (Original) As per claim 22, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches wherein the menu based interface includes a listing based on a patient condition, (column 4, lines 36-43).
26. (Original) As per claim 23, Mayaud teaches the method of claims 18 as described above. Mayaud further teaches wherein the menu based interface includes a sublisting based on drug category, (column 37, lines 48-59).
27. (Original) As per claim 24, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches wherein at least one of the menu based interface and the handwriting recognition interface further comprises a control element configured to implement a tapered prescription, (column 24, lines 41-60).
28. (Original) As per claim 25, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches wherein the prescription includes at least two medications and wherein at least one of the menu based interface and the handwriting recognition interface is configured to provide a list of the at least two medications, (column 12, lines 35-56).
29. (Original) As per claim 26, Mayaud teaches the method of claim 18 as described above. Mayaud further teaches further comprising accessing at least one user interface device and at least one output system via a network interface, (column 7, lines 21-44).

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30. (New) As per claim 27, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches wherein the first portion and the second portion are displayed simultaneously, (column 5, lines 18-20 and column 12, lines 18-33).

31. (New) As per claim 28, Mayaud teaches the method of claim 1 as described above.

Mayaud further teaches wherein the area for receiving the prescription input is a text box for entering a parameter of a prescription selected from the group consisting of strength, quantity, frequency, and number of days, (column 24, lines 62-67 and column 25, lines 1-4).

32. (New) As per claim 29, Mayaud teaches the method of claim 18 as described above.

Mayaud further teaches wherein the menu based interface and the handwriting recognition interface are displayed simultaneously, (column 7, lines 46-56, column 38, lines 27-45).

33. (New) As per claim 30, Mayaud teaches the method of claim 18 as described above.

Mayaud further teaches wherein the handwriting recognition interface for preparing the prescription includes a text box for entering a parameter of a prescription selected from the group consisting of strength, quantity, frequency, and number of days, (column 7, lines 46-56, column 24, lines 62-67, column 25, lines 1-4, and column 38, lines 27-45).

34. (New) As per claim 31, Mayaud teaches a method of preparing a prescription, the method comprising:

accessing a database stored on a storage medium to acquire a list of medications, (column 5, lines 44-67 and column 6, lines 1-2);

generating a prescription entry interface, the prescription entry interface including a first portion to display a menu-based interface based at least in part on the list of medications, the prescription entry interface including a second portion to display a set of controls to receive

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prescription parameters associated with a prescription, the prescription parameters including at least one of strength, quantity, frequency, or number of days, the set of controls including a text box associated with at least one of the prescription parameters and to receive a handwritten character, (column 7, lines 46-56, column 24, lines 62-67, column 25, lines 1-4, and column 38, lines 27-45); and

providing the prescription entry interface for display on a touch-sensitive display, the first and second portions to be displayed simultaneously, (column 7, lines 57-67).

35. (New) As per claim 32, Mayaud teaches the method of claim 31 as described above. Mayaud further teaches wherein the prescription entry interface further comprises a control element to enter a tapered prescription, (column 24, lines 41-60).

Response to Arguments

36. Applicant's arguments filed December 5, 2007 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed December 5, 2007.

(A) At pages 7-8 of the December 5, 2007 response, Applicant argues that Mayaud fails to teach an area for receiving prescription input comprising a handwritten character and fails to teach a handwriting recognition interface for preparing a prescription.

In response, the Examiner respectfully disagrees. It is readily apparent that Mayaud does teach an area for receiving prescription input comprising a handwritten character and fails to teach a handwriting recognition interface for preparing a prescription, (See column 7, lines 46-56, column 9, lines 16-55 and column 16, lines 50-61). Thus, the Examiner respectfully contends that Mayaud's handwriting recognition is an art recognized equivalent to an area for

receiving prescription input comprising a handwritten character and fails to teach a handwriting recognition interface for preparing a prescription.

(B) At pages 8-9 of the December 5, 2007 response, Applicant argues that Mayaud fails to teach a control element configured to implement a tapered prescription.

In response, the Examiner respectfully disagrees. It is readily apparent that Mayaud does teach a control element configured to implement a tapered prescription, (See column 24, lines 41-60). Thus, the Examiner respectfully contends that Mayaud's outcome studies, prescription cost savings and drug alerts is an art recognized equivalent to a control element configured to implement a tapered prescription.

(C) Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches Method and system for automatically generating advisory information for pharmacy patients along with normally transmitted data (US 6067524 A), SYSTEM AND METHOD OF GENERATING A MEDICATION PRESCRIPTION (US 20020035484 A1), Systems and methods for identifying a service provider from a wireless communicator based on categories of service providers that are called (US 6389278 B1), Computerized risk management module for medical diagnosis (US 20020077865 A1), Method and system for web-based analysis of drug adverse effects (US 20020165845 A1), Remote prescription refill system (US 6493427 B1), Method, apparatus and system for authenticating

fingerprints, and communicating and processing commands and information based on the fingerprint authentication (US 20030028811 A1).

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amber L. Altschul whose telephone number is 571-270-1362. The examiner can normally be reached on M-Th 7:30-5, F 7:30-4, every other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-8219.

/A. L. A./

Examiner, Art Unit 3626

February 18, 2008

/Robert Morgan/

Primary Examiner, Art Unit 3626